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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,032	12/11/2003	David S. Zakrewski	H0006444 (17173)	8767

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EXAMINER

CHARIOUI, MOHAMED

ART UNIT PAPER NUMBER

2857

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/734,032

Applicant(s)

ZAKREWSKI, DAVID S.

Examiner

Mohamed Charioui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. **Claim 6** is objected to because of the following informalities:

In claim 6, line 2, change "the motion detector" to --the motion detector.--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-8 and 12-30** are rejected under 35 U.S.C. 102(b) as being anticipated by Stanczak et al. (U.S. Patent No. 5,903,217).

**As per claim 1**, Stanczak et al. teach a transmitter for transmitting a signal, the signal being a non-user activated signal (see col. 8, lines 48-66); and a control for controlling the transmitter to transmit the signal, the signal adjusting the sensitivity of the motion detector (see col. 9, lines 5-9).

**As per claim 2**, Stanczak et al. further teach a user interface device for receiving a user command; wherein the control is responsive to the user command received by the user interface device for controlling the transmitter to transmit the signal for adjusting the sensitivity of the motion detector (see col. 4, lines 43-51 and col. 8, line 60 to col. 9, line 9).

**As per claims 3 and 4**, Stanczak et al. further teach that the user command sets a schedule for controlling the sensitivity of the motion detector (see col. 7, lines 4-31).

**As per claims 5 and 17**, Stanczak et al. further teach the signal for adjusting the sensitivity of the motion detector comprises a command to change a pulse count of the motion detector (see col. 8, line 60 to col. 9, line 9 and col. 6, line 65 to col. 7, line 19).

**As per claims 6, 7 and 13**, Stanczak et al. further teach that the signal for adjusting the sensitivity of the motion detector comprises a command to change an optical gain of the motion detector (see col. 7, line 58 to col. 8, line 6).

**As per claims 8, 14 and 18**, Stanczak et al. further teach that the signal is a wireless signal (see col. 2, lines 26-33).

**As per claims 12, 15, 16 and 19**, Stanczak et al. further teach a component for sensing electromagnetic radiation that is indicative of the presence of a living being; a control responsive to the component for determining, in accordance with the sensed electromagnetic radiation, whether to trigger a signal indicating that the living being has been detected (see col. 2, lines 26-33); and a receiver for receiving a remotely-generated signal for adjusting a sensitivity of the motion detector, the remotely-generated signal being a non-user activated signal; wherein the control is responsive to the remotely-generated signal for adjusting a sensitivity with which the component senses the electromagnetic radiation (see col. 8, lines 48-66; col. 9, lines 5-9; col. 10, lines 32-49 and col. 7, lines 58-67).

**As per claims 20, 23, 26 and 29**, Stanczak et al. further teach that the sensitivity of the motion sensor is adjusted to exclude a pet (as disclosed in the specification of the

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present application pet is excluded when it moves around the room so the pet won't be approaching the door, therefore the sensitivity will be low and the door won't be open, this limitation is considered to be inherent) when the signal is received, the adjusted motion detector remaining sensitive to detection of intrusion by a person (see col. 8, lines 29-38).

**As per claims 21, 22, 24, 25, 27, 28 and 30**, Stanczak et al. further teach that the sensitivity of the adjusted motion sensor is returned to an unadjusted state when the signal is not received after a predetermined interval (see col. 8, lines 32-47; col. 4, lines 64-67; and col. 9, lines 18-31).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanczak et al. in view of Tendler (U.S. Pub. No. 2004/0100386).

**As per claims 9 and 10**, Stanczak et al. teach the system as stated above except for a pet collar for carrying a portable housing in which a transmitter and control are provided.

Tendler teaches this feature (see paragraphs [0008] and [0024]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Tendler's teaching into Stanczak et al.'s teaching because it would



determine whether a specific pet is within the proximity of the door and proper action concerning the opening of the door would be performed.

**As per claim 11**, Stanczak et al. teach the system as stated above except for a battery provided in the portable housing for powering the control and the transmitter.

Tendler teaches this feature (see paragraph [0024]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Tendler's teaching into Stanczak et al.'s teaching because it would provide power for the control and the transmitter. Therefore, functionality of the system would be uninterrupted.

#### ***Prior art***

4. The prior art made record and not relied upon is considered pertinent to applicant's disclosure:

**De La Cerda et al. ['096]** disclose controllable pet access system.

**Slopack ['298]** discloses electro-mechanical door opening and closing device.

**Houck ['287]** discloses animal sensing and repelling system.

**Gillett ['996]** discloses remotely controlled pet door.

**Fontana et al. ['172]** disclose ultra wideband receiver with high-speed noise and interference tracking threshold.

**Tyroler ['293]** discloses object locator feature as part of security system.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui

2/21/07

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